IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:17-HC-2012-D

| JAMONE SMITH, |) | |
|---------------------------|---|-------|
| Petitioner, |) | |
| v. |) | ORDER |
| UNITED STATES OF AMERICA, |) | |
| Respondent. |) | |

On October 20, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") [D.E. 5] and recommended that the court dismiss Jamone Smith's ("Smith") 28 U.S.C. § 2241 petition. No party objected to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Smith's petition. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 5]. Smith's petition is DISMISSED without prejudice, and the court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537

U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). The clerk shall close the case.

SO ORDERED. This <u>21</u> day of December 2017.

AMES C. DEVER III

Chief United States District Judge